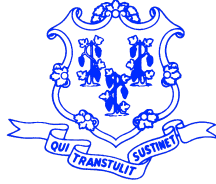


# The Connecticut General Assembly

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## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** January 22, 2013

<b>Regulation No:</b>	2012-46A
<b>Agency:</b>	Department of Education
<b>Subject Matter:</b>	Special Education
<b>Statutory Authority:</b> (copy attached)	10-76b

	Yes or No
<b>Mandatory</b>	Y
<b>Federal Requirement</b>	Y
<b>Permissive</b>	N

### For the Committee's Information:

This is a resubmittal of regulations that were rejected without prejudice at the committee's meeting on October 23, 2012. The resubmittal addresses the substantive concerns and technical corrections noted in the October 23, 2012 report. Additional technical corrections are noted below.

### Substantive Concerns:

## **Technical Corrections:**

1. Throughout the regulation, "sections 10-76a-10-76ii, inclusive, of the Connecticut General Statutes" should be "sections 10-76a to 10-76ii, inclusive, of the Connecticut General Statutes" for proper form and accuracy.
2. On page 2, in section 10-76a-1(4), the subparagraph designator "(B)" should be inserted after "IDEA, or" for proper form.
3. On page 8, in section 10-76d-1(a)(2), "once" should be deleted and "high school." should be "high school;" for proper grammar and consistency.
4. On page 8, in section 10-76d-1(a)(3), "board and (C)" should be "board, and (C)" for proper form.
5. On page 8, in section 10-76d-1(b), "kindergarten through twelve" should be "kindergarten to twelve, inclusive," for proper form.
6. On pages 14 and 15, in section 10-76d-8(a), in subdivisions (2), (3) and (5), references to "this section" should be "this subsection" for accuracy and proper form; in subdivision (3) the subdivision designators (1) and (2) should be subparagraph designators (A) and (B) for proper form; and in subdivision (4) the subdivision designators (1), (2) and (3) should be subparagraph designators (A), (B) and (C) for proper form and "of subdivisions (1) and (2) of this subsection" should be "of subparagraphs (A) and (B) of this subdivision" for accuracy.
7. On page 15, in section 10-76d-8(b), "with the requirements of the IDEA" should be "with the provisions of the IDEA" for proper form.
8. On page 17, in section 10-76d-9(a), "reevaluation in accordance with the provisions of the IDEA to determine" should be "reevaluation, in accordance with the provisions of the IDEA, to determine" for proper form and "educational evaluation in accordance with" should be "educational evaluation, in accordance with" for proper form.
9. On page 17, in section 10-76d-9(b)(3)(A), an "a" should be inserted before "regular education" for proper grammar.
10. On page 17, in section 10-76d-9(b)(4), a comma should be inserted before "unless" for proper grammar.
11. On page 18, in section 10-76d-9(c)(1), "up to 10 per cent" should be "up to ten per cent" for proper form.
12. On page 18, in section 10-76d-10, in the sixth line, "following." should be "following[.] ;" and in subsection (b), a comma should be inserted after "IDEA" for proper grammar.

13. On page 20, in section 10-76d-12, in the catchline, the semicolon after "**Meetings**" should be underlined for proper form.
14. On page 21, in section 10-76d-12(b), the first reference to "and section 10-76b-9" should be deleted for proper form since it is already contained within the cited sections.
15. On page 22, in section 10-76d-12(h), "1-42 through 1-56" should be "1-42 to 1-56" for proper form.
16. On page 24, in section 10-76d-15(a)(2), "with an IEP" should be "with the IEP" for clarity and consistency.
17. On page 25, in section 10-76d-15(e)(1), "for children age 3, 4 or 5 with a disability." should be "for any child with a disability from three to five years of age, inclusive." for clarity and proper form.
18. On page 27, in section 10-76d-17(a), in subdivision (1), "education such as a" should be "education, such as a" for proper grammar and in subdivision (5), "in the graduation exercises" should be "in the high school graduation exercises" for consistency.
19. On page 28, in section 10-76d-17(b), "education except" should be "education, except" for proper grammar.
20. On page 28, in section 10-76d-17(c)(3), "meeting or, (B)" should be "meeting, or (B)" for proper grammar and "discussed at such meeting,;" should be "discussed at such meeting." for proper grammar.
21. On page 29, in section 10-76d-17(c)(10), "which permit board of education personnel of the sending board" should be "which permit personnel of the sending board" for proper form and clarity.
22. On page 30, in section 10-76d-17(e)(3), "year. Thereafter." should be "year. Thereafter." for proper form.
23. On page 30, in section 10-76d-18, subsection designator "(a)" should be inserted before "**Access**" for proper form.
24. On page 33, in section 10-76h-3(d), "The party [request for a] requesting a hearing shall [be filed] file the hearing request with the opposing party with a copy to the due process unit [or with the public agency and a copy shall be provided to the opposing party]." should be "The [request for a] party requesting a hearing shall [be filed] file the hearing request with the opposing party and submit a copy of the hearing request to the due process unit. [or with the public agency and a copy shall be provided to the opposing party.]" for proper form and clarity.
25. On page 38, in the catchline of section 10-76h-9, "**Postponements and extension**" should be "**Postponements and extensions**" for accuracy.

**Recommendation:**

<b>X</b>	<b>Approval in whole</b>
<b>X</b>	<b>with technical corrections</b>
<b>X</b>	<b>with deletions</b>
	<b>with substitute pages</b>
	<b>Disapproval in whole or in part</b>
	<b>Rejection without prejudice</b>

**Reviewed by:** Christopher Cordima / Shannon McCarthy

**Date:** January 8, 2013

**Sec. 10-76b. State supervision of special education programs and services.**

**Regulations. Coordinating agency.** (a) The State Board of Education shall provide for the development and supervision of the educational programs and services for children requiring special education and may regulate curriculum, conditions of instruction, including the use of physical restraint and seclusion pursuant to chapter 814e, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by local and regional boards of education. The State Board of Education shall adopt regulations, in accordance with the provisions of chapter 54, concerning the use of physical restraint and seclusion pursuant to chapter 814e. The educational aspects of all programs and instructional facilities in any day or residential child-caring agency or school which provides training for children requiring special education and which receives funding from the state under the provisions of sections 10-76a to 10-76g, inclusive, shall be subject to the approval and supervision of the commissioner in accordance with regulations adopted by the State Board of Education concerning requirements for such programs and accommodations.

(b) The commissioner shall designate by regulation, subject to the approval of the State Board of Education, the procedures which shall be used to identify exceptional children.

(c) Said board shall be the agency for cooperation and consultation with federal agencies, other state agencies and private bodies on matters of public school education of children requiring special education, provided the full responsibilities for other aspects of the care of such children shall be reserved to such other agencies.